



Federal Communications Commission
Washington, D.C. 20554

DA 05-1328

May 12, 2005

Pantelis Michalopoulos
Steptoe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

Re: Call Sign E050045
File No. SES-LIC-20050218-00202

Dear Mr. Michalopoulos:

On February 18, 2005 EchoStar Satellite L.L.C. ("EchoStar") filed the above-captioned application for authority to operate a Ka-Band¹ earth station in Gilbert, Wyoming. For the reason discussed below, we dismiss the application as defective, without prejudice.

Section 25.115(e) of the Commission's rules provides that "[A]pplications to license individual earth station operating in the 20/30 GHz band shall be filed on FCC Form 312, Main Form and Schedule B, and shall also include the information describe in Section 25.138." A review of the application has revealed that EchoStar failed to submit the radiation patterns required by Section 25.138(d).

In addition, EchoStar failed to provide the total input power at antenna flange information in the application Form 312, Schedule B, Item E38.

Accordingly, pursuant to Section 25.112(a)(1)² and Section 0.261 of the Commission's rules, EchoStar's application IS DISMISSED as defective, without prejudice to refiling³.

Sincerely,

Scott Kotler
Chief, Systems Analysis Branch
Satellite Division

¹ 18.6 GHz-18.8 GHz, 19.7 GHz-20.2 GHz and 28.4 GHz-28.6 GHz, 29.5 GHz-30.0 GHz.

² 47 C.F.R. §§ 25.112(a)(1) and 0.261. *See also* Echostar Satellite LLC, *Order on Reconsideration*, DA 04-4056 (released December 27, 2004).

³ If EchoStar refiles an application for a new license identical to the one dismissed, with the exception of supplying the missing information, it need not pay an application fee. *See* 47 C.F.R. § 1.1109(d).